

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JAMES WINBRONE,

Plaintiff,

-against-

DETECTIVE VIDOT, et al.,

Defendants.  
-----X

**ORDER**

12-cv-4688 (WFK) (CLP)

**WILLIAM F. KUNTZ, II, United States District Judge**

This *pro se* action was filed on September 14, 2012. (Dkt. 1). In his Complaint, Plaintiff James Winbrone alleged that he was falsely arrested in violations of the Fourth, Eighth, and Fourteenth Amendments to the Constitution. (*Id.* at 4).

Plaintiff has not made any filings in this action since its commencement. Mail to Plaintiff has been returned as undeliverable, and Plaintiff has not responded to warnings that the action would be dismissed with prejudice for failure to prosecute. (*See* Dkts. 18-22). On October 15, 2013, Magistrate Judge Pollak issued a Report and Recommendation recounting the history of the case, explaining that the Plaintiff has apparently abandoned his claim, and recommending dismissal with prejudice for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b). (Dkt. 25). No objections have been filed to the October 15, 2013 Report and Recommendation, and the time to do so has passed. (*See id.* at 2-3).

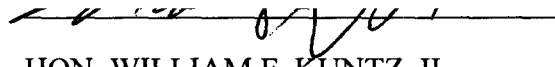
The Court concludes that the Report and Recommendation is not facially erroneous and thus adopts it in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (clear error review is proper when no objection to the Report and Recommendation has been

filed). Accordingly, it is hereby ordered that this case be dismissed with prejudice for lack of prosecution. The Clerk of Court is directed to mark the case closed.

SO ORDERED.

Dated: April 2, 2014  
Brooklyn, New York

/S/ Judge William F. Kuntz, II

A handwritten signature in black ink, appearing to read 'W. F. Kuntz, II', is written over a horizontal line.

HON. WILLIAM F. KUNTZ, II.  
United States District Judge